

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAMES GEMELAS, On Behalf of Himself and)	No. 1:08-cv-00236
All Others Similarly Situated)
)
Plaintiff,) Judge Dan Aaron Polster
)
vs.) <u>CLASS ACTION</u>
)
THE DANNON COMPANY, INC,)
)
Defendant.)
_____)
)
)
)
)

DECLARATION OF D. SCOTT KALISH IN SUPPORT OF PLAINTIFFS'
MOTION FOR AN AWARD OF ATTORNEYS FEES AND
REIMBURSEMENT OF EXPENSES SINCE FAIRNESS HEARING ON
JUNE 23, 2010

I, D. Scott Kalish, declare as follows:

1. I am a partner with the firm of Scott Kalish Co. L.L.C. I am one of the attorneys representing the plaintiffs and Class members in the above-entitled action. I am submitting this declaration in support of my firm's application for an award of attorneys' fees and reimbursement of expenses subsequent to the Fairness Hearing in connection with services rendered in the above-entitled action.

2. My firm is one of the Plaintiff's Counsel in this matter.

3. Since the Fairness Hearing on June 23, 2010, counsel for plaintiffs have aggressively prosecuted this case and vigorously represented the best interests of plaintiffs and the Class against multiple objectors.

4. My firm assisted in the prosecution of this action since the Fairness Hearing by conducting legal and factual research relating to the drafting of appeals, drafting and editing briefs, assisting in document review and discovery, participating in court hearings and discovery, assisting in pre-trial planning and strategy, and attending motion hearings and status conferences.

5. The total number of hours spent on this litigation by my firm since the Fairness Hearing on June 23, 2010, is 76.00 by Attorneys and 1.75 by a Paralegal. The total lodestar amount (without a multiplier) for attorney/professional time based on the firm's rate is \$45,600.00 and \$490.00, respectfully, for a total of \$46,090.00. The hourly rates shown below are the usual and customary rates charged for each individual in all of our class action cases. A breakdown of the lodestar is as follows:

NAME	HOURS	RATE	LODESTAR
Scott Kalish	76.00	600.00	45,600.00
Paralegal I	1.75	280.00	490.00
Paralegal II			
Paralegal III			
Document Clerks			

NAME	HOURS	RATE	LODESTAR
TOTAL			46,090.00

6. My firm has incurred \$172.00 in expenses since the Fairness Hearing on June 23, 2010 in connection with the prosecution of this litigation. They are broken down as follows:

EXPENSE CATEGORY	TOTAL
Meals, Hotels & Transportation	
Photocopies	91.00
Postage	21.00
Telephone, Facsimile	
Messenger, Overnight Delivery	
Filing, Witness & Other Fees	
Court Reporters	
Lexis, Westlaw, Online Library Research	
Class Action Notices/Business Wire	
Mediation Fees	
Expert/Consultants/Investigators	
TOTAL	112.00

7. The expenses pertaining to this case are reflected in the records of this firm. These records are prepared from records and other documents and are an accurate record of the expenses.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 3rd day of June, 2011.

s/ Scott Kalish
SCOTT KALISH

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